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June 16, 2014

BY ECF & ELECTRONIC MAIL

Honorable Andrew L. Carter, Jr.
United States District Court
Southern District of New York
40 Foley Square, Room 435
New York, NY 10007
ALCarterNYSDChambers@nysd.uscourts.gov

Re: *United States of America et al. v. Twin America, LLC et al.*; No. 12-cv-08989 (ALC) (GWG); Request for Page Limit Extension

Dear Judge Carter:

This requests, on behalf of the Defendants in the above referenced-matter, that the Court extend the page limit for the opening memorandum and reply memorandum in support of Defendants' motion for summary judgment to (35) pages in length and fifteen (15) pages in length (exclusive of signature blocks), respectively. Rather than submitting separate summary judgment motions from the five Defendants in this case (or three corporate families), Defendants plan to file a single, consolidated brief on the several grounds on which Defendants are moving. *See* ECF No. 62 (describing Defendants' summary judgment motion addressing liability, injunctive, and equitable monetary relief). Defendants respectfully submit that this modest increase in the page limits is appropriate to address these several sets of issues in this complex antitrust case.

The United States Department of Justice and the New York Attorney General ("Plaintiffs" or "Government") are challenging a merger consummated over five years ago. Since the Government filed its complaint, four new double-decker bus tour services have entered the Government's alleged antitrust market. The parties have engaged in substantial discovery in this matter that has created a record directly addressing the merits of the Government's case on the essential element of entry. That same record is relevant to the multiple remedies the Government seeks in this matter, including injunctive relief in the form of a dissolution/divestiture and disgorgement of Defendants' alleged ill-gotten gains from the joint venture. The requested increase in the page limits briefing will enable the parties to present these important issues to the Court.

Plaintiffs have indicated that they do not consent to an increase in the page limits.

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Honorable Andrew L. Carter, Jr.

June 16, 2014

Page 2

Defendants respectfully request that the Court endorse this letter and permit Defendants to file a 35-page opening memorandum and a 15-page reply memorandum in support of their motion for summary judgment. In this regard, Defendants do not oppose increasing the limit for Plaintiffs' opposition to Defendants' motion correspondingly to 35 pages.

Sincerely,

s/ Thomas O. Barnett

Thomas O. Barnett

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Inc. and International Bus Services,
Inc.*

s/ Michael P. A. Cohen

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cc: Counsel for All Parties (BY ECF & ELECTRONIC MAIL)